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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,420

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Brian Lawrence Senogles

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EXAMINER

BARNES, CRYSTAL J

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,420

Applicant(s)

SENOGLES ET AL.

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-27 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☒ Claim(s) 1-46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is an initial Non-Final Office Action upon examination of the above-identified application on the merits. Claims 1-46 are pending in this application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-27, drawn to an equipment housing, are classified in class 361, subclass 683.
 - II. Claims 28-46, drawn to a method of monitoring housing-mounted/computer equipment, are classified in class 340, subclass 3.32.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has

separate utility such as asset management or detecting equipment malfunctions.

See MPEP § 806.05(d).

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Jesse Camacho, Reg. No. 51,258 on 15 August 2006, a provisional election was made with traverse to prosecute the invention of group I, claims 1-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 28-46 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 10 (first occurrence on page 8 [0030]) is not shown in figure 1.

9. The drawings are objected to because "portion 31" and "portion 29" on page 12 [0044], page 13 [0047, 0048] should be changed to "portion 32" and "portion 30", respectively as shown in figures 1 and 3 and "a data buses" on page 13 [0049] should be changed to "data buses".

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "24" and "26" have both been used to designate fasteners in figure 1.

11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

12. The disclosure is objected to because of the following informalities: reference characters "36" and "37" have both been used to designate connectors. Appropriate correction is required.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-8, 10-13 and 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,913,034 to Malcolm.

As per claim 1, the Malcolm reference discloses an equipment housing, comprising: a computing device (see column 3 lines 51-57 and column 8 lines 29-31,

"IBS" and column 3 lines 48-51, "AIU") located proximate said housing (see column 10 lines 27-29, 34-36, "rack cabinet, shelf 504"); a user interface (see column 10 lines 6-20, "interface 1108" and column 3 lines 49-51, "integral keyboard, flat panel display, cursor control device") included in said computing device ("IBS, AIU") for use in sending information (see column 8 lines 30-31, "data and control information flow between the IBS 612 and the AIU 502"); said information ("data and control information") regarding the rack (see column 7 lines 24-25, "network server rack cabinet") or equipment (see column 7 lines 26-28, "computer network servers 106a-106d") thereon.

As per claim 2, the Malcolm reference discloses said computing device ("IBS, AIU") is secured (see column 10 lines 26-28, "mounted") to said housing ("rack cabinet").

As per claim 3, the Malcolm reference discloses an external system (see column 3 lines 48-51, "AIU") for receiving information ("data and control information") through said user interface ("interface 1108, integral keyboard, flat panel display, cursor control device") for the purpose of providing said information ("data and control information") to a user (see column 4 lines 45-46, "technician and/or network administrator").

As per claim 4, the Malcolm reference discloses a storage component (see column 4 lines 56-57, "hard disk, non-volatile random access memory, read only memory") in said computing device ("AIU") including at least some nonvolatile memory ("non-volatile random access memory"), said storage component ("hard disk, non-volatile random access memory, read only memory") used to store said information ("data and control information").

As per claim 5, the Malcolm reference discloses a processing component (see column 4 line 10, "standard portable notebook computer") in said computing device ("AIU") for managing said information ("data and control information").

As per claim 6, the Malcolm reference discloses said housing ("network server rack cabinet") comprises a frame (see column 7 line 26, "rack cabinet 102").

As per claim 7, the Malcolm reference discloses said frame ("rack cabinet 102") comprises: a base member (see figure 3, "rack cabinet 102"); and first and second substantially parallel upright members (see figure 3, "rack cabinet 102"), each having upper and lower ends (see figure 3, "rack cabinet 102").

As per claim 8, the Malcolm reference discloses said frame ("rack cabinet 102") further comprises: a substantially horizontal cross-member (see column 7 line 28, "retractable shelf 302") for securing the upper end of said first upright

member (see figure 3, "rack cabinet 102") to the upper end of said second upright member (see figure 3, "rack cabinet 102").

As per claim 10, the Malcolm reference discloses said housing ("rack cabinet 102") is a telecommunications rack ("network server rack cabinet").

As per claim 11, the Malcolm reference discloses said housing ("rack cabinet 102") is a cabinet ("rack cabinet 102").

As per claim 12, the Malcolm reference discloses said housing ("rack cabinet 102") is adapted to receive a first piece of equipment (see column 7 lines 26-28, "a UPS 104, computer network servers 106a-106d, disk storage 112, memory storage 114").

As per claim 13, the Malcolm reference discloses said first piece of equipment ("a UPS 104, computer network servers 106a-106d, disk storage 112, memory storage 114") is a server ("computer network servers 106a-106d").

As per claim 16, the Malcolm reference discloses said information ("data and control information") is transmitted via a signal (see column 10 lines 21-23, "various signals"), said signal ("various signals") being transmittable between said at least one piece of equipment ("computer network servers 106a-106d") and said computing

device ("AIU") through a first information channel (see column 10 lines 29-30, "data connection 816").

As per claim 17, the Malcolm reference discloses said information channel ("data connection 816") comprises a bus (see column 10 lines 29-30, "hardwired").

As per claim 18, the Malcolm reference discloses a connector (see column 10 lines 6-20, "video output switch 1102, cursor switch 1104, keyboard switch 1106") on said bus ("hardwired") for receiving a reciprocating connector (see columns 9-10 lines 67-2, "video ports 1110a-1110c, mouse ports 1112a-1112c and keyboard ports 1114a-1114c of servers 106a-106c, respectively") from said first piece of equipment ("servers 106a-106c").

As per claim 19, the Malcolm reference discloses said connector ("video output switch 1102, cursor switch 1104, keyboard switch 1106") on said bus ("hardwired") is a serial connector (see columns 3-4 lines 63-4, "electronic switching logic and termination circuits").

As per claim 20, the Malcolm reference discloses said connector ("video output switch 1102, cursor switch 1104, keyboard switch 1106") on said bus ("hardwired") is an Ethernet connector (see column 10 line 48, "network ethernet").

As per claim 21, the Malcolm reference discloses said connector ("video output switch 1102, cursor switch 1104, keyboard switch 1106") on said bus ("hardwired") is a fiber-optic connector (see column 10 line 60, "optical cable").

As per claim 22, the Malcolm reference discloses an equipment interface ("interface 1108") in said computing device ("IBS") for receiving said information ("data and control information") regarding said at least one piece of equipment ("computer network servers 106a-106d") through said first information channel ("data connection 816").

As per claim 23, the Malcolm reference discloses said first information channel ("data connection 816") extends up a substantial length (see columns 9-10, "video ports 1110a-1110c, mouse ports 1112a-1112c and keyboard ports 1114a-1114c of servers 106a-106c, respectively") of said first upright member ("rack cabinet 102").

As per claim 24, the Malcolm reference discloses said first information channel ("data connection 816") comprises a first plurality of connectors (see columns 9-10, "video ports 1110a-1110c, mouse ports 1112a-1112c and keyboard ports 1114a-1114c of servers 106a-106c, respectively") for use in making equipment connections ("IBS 612") into said first information channel ("data connection 816").

As per claim 25, the Malcolm reference discloses a second information channel ("data connection 816") which extends up a substantial length (see columns 9-10, "video ports 1110a-1110c, mouse ports 1112a-1112c and keyboard ports 1114a-1114c of servers 106a-106c, respectively") of said second upright member ("rack cabinet 102").

As per claim 26, the Malcolm reference discloses said second information channel ("data connection 816") comprises a second plurality of connectors (see column 10 lines 6-20, "video output switch 1102, cursor switch 1104, keyboard switch 1106") for use in making equipment connections ("IBS 612") into said second information channel ("data connection 816").

As per claim 27, the Malcolm reference discloses one of said connectors (see column 10 lines 6-20, "video output switch 1102, cursor switch 1104, keyboard switch 1106") of said second plurality of connectors (see column 10 lines 6-20, "video output switch 1102, cursor switch 1104, keyboard switch 1106") on said second information channel ("data connection 816") is adapted to receive a reciprocating equipment connector (see columns 9-10, "video ports 1110a-1110c, mouse ports 1112a-1112c and keyboard ports 1114a-1114c of servers 106a-106c, respectively") on a second piece of equipment ("servers 106a-106").

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,913,034 to Malcolm in view of USPN 6,201,690 B1 to Moore et al.

As per claim 9, the Malcolm reference discloses a base member ((see figure 3, "rack cabinet 102"); said computing device (see column 7 lines 55-57, "AIU 502") being secured ("mounted") to said base member ("shelf 302"); said base member including a cover for protecting said computing device.

The Malcolm reference does not expressly disclose said base member including a cover for protecting said computing device.

The Moore et al. reference discloses
(see column 3 lines 35-39, "Rack console assembly 11 comprises a generally rectangular rack console, or cabinet, 13. Rack console 13 comprises a left side

panel 15 and a right side panel 17 and is sized and shaped to house various components therewithin.")

(see column 4 lines 7-22, "... computer console 23 comprises a generally U-shaped tray 25 having a pair of upwardly standing sidewalls 27 and 29. Specifically, tray 25 is capable of being slid in and out of rack console 13 in a horizontal direction, as represented by arrow A in FIG. 11, between a rear position in which computer console 23 is disposed completely inside rack console 13, as shown in FIG. 10, and a forward position in which selected components of computer console 23 are disposed just outside rack console 13, as shown in FIG. 11. A cover 30 is mounted on sidewalls 27 and 29 of tray 25.")

(see column 5 lines 58-62, "When in its non-operating mode, computer console 23 is disposed entirely within rack console 13 with end panel 85 is orientated in a substantially perpendicular position in relation to top surface 49 of metal frame 41 so as to protect computer console 23 ...")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the retractable shelf taught by the Malcolm reference with the computer console taught by the Moore et al. reference.

One of ordinary skill in the art would have been motivated to modify the retractable shelf with the computer console to provide a cover and end panel to protect the AIU when in its non-operating mode.

17. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,913,034 to Malcolm in view of USPN 5,388,032 to Gill et al.

As per claim 14, the Malcolm reference does not expressly disclose said information includes a location for said housing.

The Gill et al. reference discloses

(see column 14 lines 6-12, "The human operator inputs the selected computer to be monitored by the monitoring unit 100 via the selector input device 124. For example, assuming that the telecommunications equipment 164 is to be monitored by the monitoring unit 100, the human operator inputs the address of the telecommunications equipment 164 by selecting the address with the input selector device 124.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the software menu screen taught by the Malcolm reference to include the display taught by the Gill et al. reference.

One of ordinary skill in the art would have been motivated to modify the software menu screen to include the display that allows the operator to select the address of the equipment to be monitored in order to confirm that the proper equipment is selected for monitoring.

Allowable Subject Matter

18. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to rack console assemblies in general:

USPN 6,945,412 B2 to Felcman et al.

USPN 6,909,611 B2 to Smith et al.

USPN 6,741,463 B1 to Akhtar et al.

USPN 6,583,989 B1 to Guyer et al.

US Pub. No. 2005/0091349 A1 to Scheibli


US Pub. No. 2005/0027890 A1 to Nelson et al.

US Pub. No. 2002/0035659 A1 to Kelly

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CJB
20 August 2006